pplication of:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Clark R. Baker Jr. Serial No.: 10/796,559

Filed: March 8, 2004

SELECTION OF ENSEMBLE For:

AVERAGING FOR A PULSE **OXIMETER BASED ON SIGNAL**

QUALITY METRICS

Group Art Unit:

3736

Examiner:

Unassigned

Atty Docket: TYHC:0150/FLE

P0424R

Mail Stop Amendment Commissioner for Patents P.O. Box 1450

Alexandria, Virginia 22313-1450

July 20, 2005

999999999

Date

CERTIFICATE OF MAILING 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

Sir:

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. §§ 1.97(d) AND 1.98

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.

Serial no. 10/796,559 Information Disclosure Statement

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Furthermore, the references listed on the attached PTO/SB/08A Form are not to be

construed as an admission that these references qualify as prior art as to the above-referenced

application or any related application. Rather, these references are being presented for the

Examiner's consideration without prejudice to the right to demonstrate that any of these

references do not qualify as prior art should the Examiner choose to apply any of these

references.

The following information is listed below in accordance with 37 C.F.R. §1.98. Any

explanation of non-English language documents contained in this Information Disclosure

Statement is believed to constitute a concise explanation of the relevance of the listed reference

as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about

the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

Applicants believe this Information Disclosure Statement is properly filed in accordance

with 37 C.F.R. § 1.97(b). Consequently, no fee is believed due with this Information Disclosure

Statement. However, the Commissioner is authorized to charge any requisite fee for this

Information Disclosure Statement, and any additional fee which may be required, to Deposit

Account No. 06-1315; Order No. TYHC:0150/FLE.

Respectfully submitted,

Date: July 20, 2005

Michael G. Fletcher

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

Sheet

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known			
Application Number	10/796,559		
Filing Date	03/8/`2004		
First Named Inventor	Clark Baker Jr.		
Art Unit	3736		
Examiner Name	Unassigned		
Attorney Docket Number	TYHC:0150 (P0424R)		

			U. S. PATEN	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ^{2 (f known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	^{US-} 4,960,126	10/2/1990	Conlon et al.	
	2	^{US-} 2003/0009091A1	1/9/2003	Edgar Jr., et al.	
	3	^{US-} 2002/0137994A1	9/26/2002	Baker et al.	
		US-			
	 	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ "Number ⁴ "Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code Number Kind Code (ii known)				一

Examiner Signature	Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Please indicate receipt of the below-identified paper: ☐ New Application ☐ Specification:__ Pages; Drawings: ___ Sheets Continuation Divisional ☐ CIP ☐ CPA Response to Office Action dated Final Rejection · IDS; PTO-1449; Cited references □ Assignment enclosed ☐ Cert. Of Timely Mailing □ Express Mail Identification of Application: Serial No. 10/796,559 Title Selection of Ensemble Averaging Weights for a Pulse Oximeter Based on Signal Quality Metrics Applicant _ Clark Baker Nellcor Puritan Bennett TYHC:0150 (P0424R) Filed 3/8/04 Client File No. Attorney_ Mailed 7/20/05 Due Date